

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LARRY R. ANDERSON,

Civil No. 11-3350 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

SCOTT RETTKE, AL DUMBLETON,
AND BARB WINTERFELD,

Defendants,

Larry R. Anderson, 704 Eighth Avenue South, St. Cloud MN 56301, pro se plaintiff.

Jason Hill and Roger Rowlette, **JOHNSON & LINDBERG, PA**, 7900 International Drive, Suite 960, Minneapolis, MN 55425, for defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, dated January 2, 2013 [Docket No. 37]. No objections have been filed to that Report and Recommendation in the time period permitted. The Court will note that the first two attempts to provide plaintiff with a copy of the Report and Recommendation were unsuccessful as mail sent to the plaintiff was returned as undeliverable. On January 25, 2013, a letter was received from defendants' attorney who provided an updated address for Mr. Anderson. The Report and Recommendation was mailed to plaintiff on January 25, 2013. It has now been two weeks and the mail has not been returned, nor has plaintiff filed an objection to the Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Defendants' motion for summary judgment [Docket No. 21] is GRANTED;
2. Plaintiff's motion to deny defendants' motion for summary judgment [Docket No. 32] is DENIED;
3. This case is dismissed with prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 11, 2013
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge